

### **REMARKS**

Upon entry of the instant Response, Claims 2, 3, 5, 7-9, 12 and 13 will remain pending in this application.

In the Office Action mailed March 29, 2006, Claims 2, 3, 5, 7-9, 12 and 13 are rejected under 35 U.S.C. §102(a), as being anticipated by WO 99/07791 (believed to be equivalent to U.S. Pat. No. 6,444,735 issued to Eckel et al.). Claims 2, 3, 5, 7-9, 12 and 13 are rejected under 35 U.S.C. §102(a), as being anticipated by WO 99/07782 (believed to be equivalent to U.S. Pat. No. 6,569,930 issued to Eckel et al.). Claims 2, 3, 5, 8, 9, 12 and 13 are rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1, 9, 13 and 15 of U.S. Pat. No. 6,444,735 issued to Eckel et al. Claims 2, 3, 5, 7-9, 12 and 13 are rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1, 2 and 9-13 of U.S. Pat. No. 6,569,930 issued to Eckel et al.

### **Rejections under 35 U.S.C. §102(a) as being anticipated by WO 99/07791 in the name of Eckel et al.**

Claims 2, 3, 5, 7-9, 12 and 13 stand rejected under 35 U.S.C. §102(b), as being anticipated by WO 99/07791 (believed to be equivalent to U.S. Pat. No. 6,444,735 issued to Eckel et al.). Applicants respectfully disagree with the Examiner's contention regarding Eckel et al.

Applicants submit herewith a certified English translation of the German priority document (DE 199 04 392.2) of this application, note that it predates the U.S. filing date of U.S. Pat. No. 6,444,735 and point out that WO 99/07791 was published in the German language.

Therefore, Applicants respectfully request the Examiner reconsider and reverse his rejection of Claims 2, 3, 5, 7-9, 12 and 13 under 35 U.S.C. §102(a), as being anticipated by WO 99/07791 (believed to be equivalent to U.S. Pat. No. 6,444,735 issued to Eckel et al.).

**Rejections under 35 U.S.C. §102(a) as being anticipated by WO 99/07782 in the name of Eckel et al.**

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As noted herein above, Applicants are submitting herewith a certified English translation of the German priority document (DE 199 04 392.2) of this application, note that it predates the U.S. filing date of U.S. Pat. No. 6,569,930 and point out that WO 99/07782 was published in the German language.

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**Rejections under judicially created doctrine of obviousness-type double patenting over Claims 1, 9, 13 and 15 of U.S. Pat. No. 6,444,735 issued to Eckel et al.**

Claims 2, 3, 5, 8, 9, 12 and 13 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1, 9, 13 and 15 of U.S. Pat. No. 6,444,735 issued to Eckel et al. Applicants respectfully disagree with the Examiner's contentions regarding Eckel et al.

However, in the interests of advancing prosecution of the instant application Applicants herewith submit a terminal disclaimer disclaiming that portion of any patent issuing in the instant application which would exceed that of U.S. Pat. No. 6,444,735 issued to Eckel et al. and respectfully request the Examiner reconsider and remove his rejection of Claims 2, 3, 5, 8, 9, 12 and 13 under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1, 9, 13 and 15 of U.S. Pat. No. 6,444,735 issued to Eckel et al.

**Rejections under judicially created doctrine of obviousness-type double patenting over Claims 1, 2 and 9-13 of U.S. Pat. No. 6,569,930 issued to Eckel et al.**

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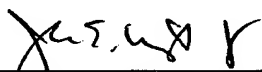
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### CONCLUSION

Applicants have made no claim amendments as they contend the claims are patentable as they now stand.

Applicants submit that the instant application is in condition for allowance. Accordingly, reconsideration and a Notice of Allowance are respectfully requested for Claims 2, 3, 5, 7-9, 12 and 13. If the Examiner is of the opinion that the instant application is in condition for other than allowance, he is invited to contact the Applicants' Attorney at the telephone number listed below, so that additional changes to the claims may be discussed.

Respectfully submitted,

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